



11/17/04 office petition

EV 132189257 US

DAC
JRW

Attorney Docket No. GFB-1 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jens Kossmann et al.
Application No. : 09/843,007
Confirmation No. : 9893
Examiner : Stuart F. Baum
Filed : April 26, 2001
Group Art Uni : 1638
For : DNA SEQUENCE CODING FOR ENZYMES
CAPABLE OF FACILITATING THE SYNTHESIS OF
LINEAR α -1,4 GLUCANS IN PLANTS, FUNGI AND
MICROORGANISMS

New York, New York
November 16, 2004

Mail Stop 313(c)
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

Pursuant to 37 C.F.R. § 1.313(c)(2), applicants hereby petition to withdraw the above-identified patent application from issue. 37 C.F.R. § 1.313 states in relevant part that:

(c) Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

* * *

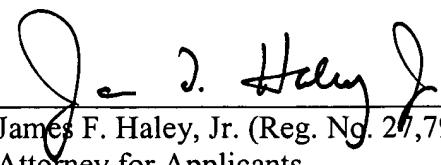
(2) Consideration of a request for continued examination in compliance with § 1.114;

Applicants paid the issue fee on September 29, 2004. Applicant requests that the application be withdrawn from issue to permit: (1) consideration of a Request for Continued Examination ("RCE") of this application under 37 C.F.R. § 1.114 (filed concurrently herewith) and (2) consideration in the RCE of a Preliminary Amendment (filed concurrently herewith). Thus, applicants have satisfied the requirements of 37 C.F.R. § 1.313(c)(2).

In the accompanying Transmittal Letter (filed in duplicate herewith), the Director is authorized to charge the amount of \$790.00, in payment of the filing fee set forth in 37 C.F.R. § 1.17(e) for the RCE; \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) for consideration of this Petition; and any additional fee required in connection with this Petition, or any of the papers filed herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075.

Accordingly, applicant requests that this Rule 313(c)(2) Petition be granted and the above-identified application be withdrawn from issue in favor of the RCE (filed concurrently herewith), in order to reopen prosecution and allow consideration of the Preliminary Amendment (filed concurrently herewith).

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
c/o FISH & NEAVE LLP
Customer No. 1473
1251 Avenue of the Americas
New York, NY 10020
Tel.: (212) 596-9000
Fax.: (212) 596-9090